IN THE HIGH COURT OF JUDICATURE, AT BILASPUR

[CHHATTISGARH]

Single Bench

M.C.C. 66 /2006

APPLICANT : Kaushal Kumar Chandrakar, S/o. Bhirkho Ram, aged about 45 years, R/o. Village-Cheecha, Post-Bhathena, Tah. Patan, Distt. Durg (C.G.).

P.R. No. 353/06
Presented by Shri Vikram Sharma
dated 8/2/06

VERSUS

NON-APPLICANTS

1. State of Chhattisgarh through Secretary, Panchayat & Social Welfare Deptt. D.K.S. Bhavan, Mantralaya, Raipur (C.G.)

2. The Sub Divisional Officer (Revenue) Patan, Distt.Durg (C.G.)

3. Janpad Panchayat, Patan. Through secretary, Distt. Durg (C.G.)

4. Jay Prakash, S/o. Bhim Nirmal aged about 28 years, R/o. Village Cheecha, Post Bhathena, Tah. Patan, Distt. Durg (C.G.)

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(2)

APPLICATION FOR CLARIFICATION & SUITABLE DIRECTION

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(1.5)

आदेश पत्रक

मामला क्रमांक M.C.C.66/ सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8-5-2006 Mr. Praveen Das, counsel for the applicant. Mr. G.K. Beriwal, Deputy Advocate General for the State/non-applicants No.1 & 2. Mr. Kunal Das, counsel for non-applicant No.4. Heard. By the instant application, a prayer has been made to issue appropriate direction to the Specified Officer (respondent No.2) to decide the election petition pending before him as per law. In para 5 of this application, it has been mentioned that under mistaken belief that this Court has quashed the entire proceedings of the election petition, the Specified Officer is not deciding the election petition. I fail to understand how the Specified Officer is treating the order of this Court dated 14-9-2005 as that the whole election petition proceedings have been quashed. On the contrary, the order of the Sub Divisional Officer for re-count of the votes was quashed on the ground that the S.D.O. has passed the order without following the procedure as envisaged under Rules 11 & 12 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995. Therefore, the Specified Officer is required to first frame issues based on the pleadings of the parties, thereafter he has to allow the parties to adduce their evidence in support of their pleadings and after hearing counsel for the parties to decide the petition on its merits.	

देखिये

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(16)

मामला क्रमांक ..... M.C.C.66/ ..... **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	In the circumstances, the Specified Officer is directed to dispose of the election petition, at the earliest, after following the procedure as envisaged under the Rules, 1995. The M.C.C. is disposed of accordingly. In view of this order, I.A.No.554/2006 also stands disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	